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Secretary of State

# Notary News

## New Notary Laws Effective January 1, 2008

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Two notary-related bills were recently signed into law and will take effect next month. Following is a brief overview of what California notaries public need to know in the new year.

#### AB 886, Chapter 399 (Runner)

- Under this new law, no acknowledgment may be taken or jurat executed on the basis of personal knowledge alone. A notary public who violates the law is subject to a civil penalty of up to \$10,000.
- The certificate of acknowledgment must be executed under penalty of perjury. A notary public who willfully states as true any material fact known to be false can be subject to a civil penalty of up to \$10,000.
- The notary public journal must contain a notation that the identity of the person making an acknowledgment, or taking an oath or affirmation, must be based on "satisfactory evidence" and not "personal knowledge."
- A notary public applicant must submit a photograph of himself/herself to the Secretary of State along with the application.
- A power of attorney document is added to the list of documents that requires a thumbprint in the journal.
- When requested by a peace officer investigating a criminal offense, a notary public must surrender his or her journal immediately or as soon as possible if the journal is not present. The peace officer must have probable cause to believe the journal contains evidence of a criminal offense.
- Willful failure to notify the Secretary of State of a change of address or a name change is punishable as an infraction by a fine of up to \$500. Willful failure of a notary public to provide a peace officer with a journal when requested is punishable by a civil penalty of up to \$2,500. A notary public who fails to obtain a thumbprint as required by Government Code section 8206 is subject to a civil penalty up to \$2,500.
- Willful failure to report the theft or loss of a journal is grounds for revocation or suspension of a notary public.
- New grounds for denial of notary public applications or revocation or suspension of notary public commissions have been added for crimes connected to notarial acts: making a false writing, fraud relating to a deed of trust, improper notarial acts, unlawfully acting as a notary public, filing false or forged documents, forgery, embezzlement, and falsely obtaining personal information. Also, willful failure to provide access to a journal when requested by a peace officer is grounds for revocation or suspension.

(continued on page 2)

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## Notary Public Testing

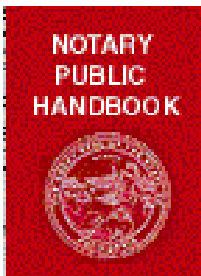
*To obtain information about notary public testing, please contact:*

CPS Human Resources  
Notary Public Exam  
241 Lathrop Way  
Sacramento, CA 95815

(916) 263-3520

[NotaryInfo@cps.ca.gov](mailto:NotaryInfo@cps.ca.gov)

[www.cps.ca.gov/TakeATest/Notary](http://www.cps.ca.gov/TakeATest/Notary)



*The 2008 Notary Public Handbook will be available in January in hard copy at no charge. Send a self-addressed envelope (at least 6" by 9" in size) to the address on the last page of this Notary News.*

*The handbook also will be available online at [www.sos.ca.gov/business/notary/notary.htm](http://www.sos.ca.gov/business/notary/notary.htm)*

## New Notary Laws (continued from page 1)

### AB 434, Chapter 496 (Silva)

This new law requires a notary public to respond within 15 business days from the receipt of a request by a member of the public for a line item from the notary public's journal. The notary public is required to provide either a photostatic copy of the line item representing the requested transaction or acknowledge that no such line item exists. In a disciplinary proceeding for noncompliance with this provision, a notary public may defend his or her delayed action on the basis of unavoidable, exigent business or personal circumstances.

To read the full text of AB 886 and AB 434, go to [www.leginfo.ca.gov/bilinfo.html](http://www.leginfo.ca.gov/bilinfo.html).

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## Is your commission going to expire?

### Do you want to continue as a commissioned notary public for the State of California?

Beginning January 1, 2008, all notaries public will be required to undergo a background check by the California Department of Justice and the Federal Bureau of Investigation for every notary public appointment, including all notaries public seeking reappointment. The Request for Live Scan Service form is available at <http://www.sos.ca.gov/business/notary/notary.htm>

A notary public applicant will be required to submit a 2" x 2" color passport photograph of himself/herself to the Secretary of State along with each application.

Additionally, all applicants are required to complete a course of study approved by the Secretary of State prior to appointment or reappointment as a notary public. The list of notary public education vendors who have been authorized to provide the mandatory notary public education is available at <http://notaryeducation.sos.ca.gov>.

Upon completion of the approved course of study, the approved notary education vendor will provide a Proof of Completion certificate. The Proof of Completion certificate is valid for two years from the date of issuance. Make sure you pass the notary public examination before your Proof of Completion certificate expires.

## Remember to Notify the SOS of Changes!

Government Code section 8213.5 requires a notary public to notify the Secretary of State of changes in business or residence addresses. The notification must be made by certified mail within 30 days of the change. If you change your name, Government Code section 8213.6 requires you to complete an Application for Name Change form and file that application with the Secretary of State.

## Certificate of Acknowledgment

Effective January 1, 2008, the California certificate of acknowledgment will change. The signer's identification must be based on "satisfactory evidence" and the certificate must be signed under penalty of perjury. Variations in the California form are not permitted, but the portion of the law regarding acknowledgments to be used with documents to be filed in other states has not changed. The new certificate of acknowledgment form will be available in a format that can be viewed, filled in, and printed at [www.sos.ca.gov/business/notary/notary.htm](http://www.sos.ca.gov/business/notary/notary.htm).

Any certificate of acknowledgment taken within this state shall be in the following form:

<p>State of California            )  County of                    )</p> <p>On _____ before me, (here insert name and title of the officer), personally appeared _____</p> <p>_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.</p> <p>I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.</p> <p>WITNESS my hand and official seal.</p> <p>Signature _____ (Seal)</p>
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## Jurat

Effective January 1, 2008, the jurat form will change and any jurat taken within California shall be in the form shown below. Identification of the signer must be based on satisfactory evidence. The new jurat form will be available in a format that can be viewed, filled in, and printed at [www.sos.ca.gov/business/notary/notary.htm](http://www.sos.ca.gov/business/notary/notary.htm).

<p>State of California  County of _____</p> <p>Subscribed and sworn to (or affirmed) before me on this ____day of _____, 20__, by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.</p> <p>Signature _____ (Seal)</p>
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### **Your Seal, Your Responsibility**

*Remember to lock your journal and seal in a secure area to avoid misuse by someone else!*

### **New Thumbprint Requirement**

*In addition to a deed, quitclaim deed, or deed of trust affecting real property, a notary public must obtain a thumbprint in the journal for a power of attorney document.*

### **Important**

*A notary public cannot sign and stamp a document without the correct notarial language / form.*

**Important: Dated Material**  
**California Secretary of State**  
**Notary Public Section**  
**Post Office Box 942877**  
**Sacramento, CA 94277-0001**

Bulk Rate  
U.S. Postage  
Paid  
Sacramento CA  
Permit No 424

**Secretary of State**  
**Notary Public Section**

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**Street Address**

1500 11<sup>th</sup> Street  
Sacramento, CA 95814  
(916) 653-3595  
(916) 653-9580 (fax)

**Mailing Address**

P.O. Box 942877  
Sacramento, CA 94277-0001

**Web Address**

[www.sos.ca.gov/business/notary/notary.htm](http://www.sos.ca.gov/business/notary/notary.htm)

✓ **Register to Vote**  
**Voter Registration/Voter Fraud Hotline**  
**Call 1-800-345-VOTE**  
**Email: [comments@sos.ca.gov](mailto:comments@sos.ca.gov)**

The *Notary News* is a newsletter for California notaries public, published by the Notary Public Section of the Business Programs Division of the Office of the California Secretary of State. The publication is designed to advise California's notaries public of legislative changes, current Notary Public Section policies and procedures, and other information of interest to notaries public. The Notary Public Section staff hopes readers find the contents to be both informative and useful.

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